

APPEAL NO. 022727
FILED DECEMBER 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 12, 2002. The hearing officer resolved the disputed issues by deciding that the claimant sustained a repetitive trauma injury in the course and scope of his employment; that the date of injury under Section 408.007 was _____; that the respondent (carrier) is relieved of liability under Section 409.002 because the claimant failed, without good cause, to timely notify his employer of his injury; and that the carrier did not waive the right to contest the compensability of the claimant's claimed injury because the carrier timely contested the claimed injury in accordance with Section 409.021. The claimant appealed the hearing officer's determinations on the issues of the date of injury, notice of injury, and waiver of the right to contest compensability, and the carrier responded.

DECISION

The hearing officer's decision is affirmed.

The appealed issues were factual determinations to be made by the hearing officer from the evidence presented. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIDELITY & GUARANTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge